

# Notice of Allowability

Application No.

10/077,614

Examiner

John J. Tabone, Jr.

Applicant(s)

SMITH ET AL.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 08/02/2005.
2. ☒ The allowed claim(s) is/are claims 1-3, 7-11, and 14-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

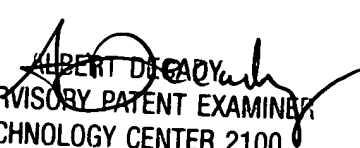
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ALBERT D. GABY  
SUPERVISORY PATENT EXAMINER  
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### **DETAILED ACTION**

1. Claims 1-3, 5-11, 13-19, and 21 are pending in the present application. Claims 4-6, 12-13, and 16-21 have been cancelled. Claims 1 and 9 have been amended.

#### ***Response to Arguments***

2. Applicant's arguments, see Applicant's Remarks, filed 6/16/2005, with respect to 1-58 have been fully considered and are persuasive. The rejections of claims 1-58 have been withdrawn by the Examiner as a result of Applicant's amendment and accompanying arguments. Claims 59 has been canceled with the following Examiner's amendment.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone message from Attorney Rory D. Rankin on 10/05/2005 at 1:14pm EST. The application has been amended as follows:

Please change the beginning of line 1 of claim 14 from "The system of claim 13" to "The system of claim 9".

***Allowable Subject Matter***

Claims 1-3, 5-11, 13-19, and 21 are allowed.

The following is an Examiner's Statement of Reasons for Allowance:

The present invention relates to the field of digital communications and, more particularly, to the test and debug of digital systems.

The claimed invention as set forth in claim 1 (broadest claim) recites features such as: a transmitter that transmits data, which comprises of a test pattern (first data) and a first portion of a unique identifier assigned to the transmitter (second data). A receiver receives the test pattern (first data) and the first portion of a unique identifier (second data) and determines whether the received test pattern matches an expected value. If the test pattern was correctly received the receiver sends a first feedback data back to the transmitter, which is equal to the first portion of the unique identifier. However, if the received test pattern is not correct, the receiver sends a second feedback data back to the transmitter, which is compliment of the first portion of the unique identifier.

The prior arts of record teach the transmitter sending test pattern to the receiver with a logical id byte of the message HEADER (a unique identifier assigned to the transmitter (second data)). The prior arts of record also teach that both a positive acknowledgement (ACK) and a negative acknowledgement (NACK) are accompanied by the logical id byte of the message HEADER. Accordingly, Coleman's ACK (a single zero byte 0x00, Coleman, col. 75, lines 25-27) may be accompanied by a logical id byte

of the HEADER, and the NACK (a single non-zero byte) may also be accompanied by the logical-id byte of the HEADER. Note, the ACK or NACK is attached the logical id byte, but the logical id is not modified in any way; Coleman et al. (US-4562436 and Gregory et al. (US-6182246) are example of such prior arts.

The prior arts of record, however, fail to teach, singly or in combination, the modification of the first portion of a unique transmitter identifier (second data) and sending the modified transmitter identifier as the complement of the transmitter identifier when the received test pattern does not match the expected value as recited in claim 1. As such, modification of the prior art of record to include the claimed complementing of the transmitter identifier can only be motivated by hindsight reasoning, or by changing the intended use and function of the prior art themselves. Therefore, it is not clear that one of ordinary skill in the art at the time of the invention would have made the necessary modifications to the prior art of record to encompass the complementing of the transmitter identifier set forth in the present application. Moreover, none of the prior arts of record, taken either alone or in combination, anticipate nor render obvious the complementing of the transmitter identifier as set forth in claim 1. Hence, claims 1-3, 5-11, 13-19, and 21 are allowable over the prior arts of record.

The Examiner agrees with the Applicant's arguments with regard to this feature in view of the arts of record; therefor, the Examiner favors the allowance of claims 1-3, 5-11, 13-19, and 21. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays,

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should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Tabone, Jr. whose telephone number is (571) 272-3827. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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Art Unit 2133  
10/5/05

  
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